HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.307 of 2005.

Date of decision : 30.10.2006.

Subhash Chand Garg .....Petitioner

versus

Presiding Officer, Labour Court, Ludhiana etc. .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.B.N.Sehgal, Advocate for the petitioner.
Mr.Arun Palli, Advocate for the respondent.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 2.6.2004, passed by the learned Labour Court, whereby an application filed by the petitioner to produce an expert witness in respect of document Exhibit M-3, was declined.

The Court found that there is no necessity to prove or disprove Exhibit M-3 and that no useful purpose will be served even if the application is allowed.

At the stage of leading of evidence, the learned Labour Court was not required to examine the evidentiary value of the evidence which is required to be led by the petitioner. A document has been relied upon by the management in its evidence. The workmen have a right to rebut such evidence including to examine the expert witness.

Therefore, I am of the opinion that the order passed by the learned Labour Court suffers from patent illegality or irregularity causing

injustice to the petitioner. Thus the order of the Labour Court dated 2.6.2004 is set-aside. Petitioner is permitted to examine expert witness in respect of document Exhibit M-3.

Learned counsel for the respondent requests that the management should be given an opportunity to rebut the evidence, if any, led by the workmen. However, the said prayer of the management is pre-mature at this stage. The same is required to be considered by the learned Labour Court at an appropriate stage, in accordance with law.

The revision petition stands allowed in the above terms.

(HEMANT GUPTA)
JUDGE

October 30, 2006.
**mohinder*